

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|---------------------|---|
| -----X | |
| JIMMY FANFAN, | : |
| | : |
| Plaintiff, | : |
| | : |
| -against- | : |
| | : |
| DR. DANIEL KAUFMAN, | : |
| Defendant. | : |
| -----X | |

21 Civ. 704 (LGS)

ORDER OF SERVICE

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Plaintiff is proceeding *pro se* and *in forma pauperis* (“IFP”) (Dkt. No. 4).

WHEREAS, the United States Attorney for the Southern District of New York provided the following address for Dr. Daniel Kaufman:

Dr. Daniel Kaufman, MD
Discreet Plastic Surgery
1599 East 15th Street
Brooklyn, NY 11230.

Dkt. No. 8.

WHEREAS, because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (“the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.”). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that the summons and complaint be served within ninety days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and complaint until the Court reviewed the complaint and ordered that a summons be issued. The Court therefore extends the time to serve until ninety days after the date the summons is issued. If the complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*,

682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshal's failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service on Defendant Dr. Daniel Kaufman through the U.S. Marshals Service, the Clerk of Court is respectfully directed (1) to complete a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Dr. Kaufman, whose address is:

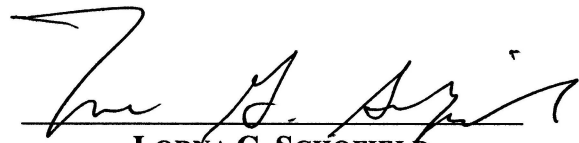
Discreet Plastic Surgery;
1599 East 15th Street;
Brooklyn, NY 11230.

The Clerk of Court is further instructed to (1) issue a summons and deliver to the U.S. Marshals Service all documents necessary to effect service on Dr. Kaufman, and (2) to mail a copy of this Order to Plaintiff at the following address:

Jimmy FanFan
Reg. No. 90863-053
M.C.C. New York
150 Park Row
New York, NY 1007,

and note service on the docket.

Dated: April 12, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE